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FM AMEMBASSY ISLAMABAD
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INFO RUEHAH/AMEMBASSY ASHGABAT 2050
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RUEHEK/AMEMBASSY BISHKEK 4080
RUEHLM/AMEMBASSY COLOMBO 1221
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RUEHBI/AMCONSUL MUMBAI 3631
RUEHPW/AMCONSUL PESHAWAR 9959
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 001124

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E.O. 12958: DECL: 03/10/2017
TAGS: [PGOV](#) [PHUM](#) [PK](#)
SUBJECT: PAKISTAN'S CHIEF JUSTICE SUSPENDED

REF: ISLAMABAD 637

Classified By: Ambassador Ryan Crocker, Reasons 1.4 (b),(d)

11. (C) SUMMARY: On March 9, President Pervez Musharraf suspended Pakistan's Chief Justice of the Supreme Court Iftikhar Mohammad Chaudhry on various corruption charges. Chaudhry had developed a reputation for judicial activism during his short time on the bench and ruled against the Government of Pakistan in several high-profile cases. Islamabad's legal and media circles are abuzz with speculation about what motivated the President, but genuine facts are scarce. Whether this is a case of high-level corruption or part of a broader struggle for control of the judiciary, the hands-on manner in which President Musharraf went about suspending Chaudhry has seized the attention of the media. END SUMMARY.

MUSHARRAF SUSPENDS CHIEF JUSTICE, ACTING CHIEF SWORN IN

12. (C) Around 11:00 a.m. on March 9, President Pervez Musharraf summoned Chief Justice Iftikhar Mohammad Chaudhry to Army House in Rawalpindi to inform him that the President was suspending him as Chief Justice "for misconduct, misuse of authority, and actions prejudicial to the dignity of the office of the chief justice of Pakistan." Embassy contacts report that Chaudhry spent over five hours at Army House and that he refused to resign on the spot. When Chaudhry attempted to return to his office, security personnel escorted him home. Media and Embassy contacts have told PolOffs privately that Chaudhry is under unofficial house arrest. He served only 21 months of a term that was supposed to last until 2013.

13. (C) After meeting with Chaudhry, Musharraf appointed Justice Javed Iqbal as Acting Chief Justice. Iqbal was third

in line for the position -- the second in line, Justice Rana Bhagwandas, a Hindu approaching retirement, was reportedly in India on leave. (Comment: It is unclear whether Bhagwandas will assume the Acting role when he returns to Pakistan. Bhagwandas is known as an honest judge. If he is skipped in favor of Iqbal -- who many see as a more malleable justice -- opposition and media groups may call foul. End Comment.)

14. (SBU) Iqbal hastily took the oath of office and brought the Supreme Judicial Council into session. The Supreme Judicial Council, which is responsible for hearing complaints of misconduct against high-level judges, is composed of the Supreme Court's three senior-most judges and two Chief Justices from the country's four Provincial High Courts. (Note: That the Chief Justices from Karachi and Lahore, who will sit on the Supreme Judicial Council, happened to be in Islamabad when all of this transpired has only fed conspiracy theorists' suspicions. End Note.) The Supreme Judicial Council's first order of business under Iqbal was to call Chaudhry to a March 13 session to answer the charges against him. There is precedent for such a move -- Chaudhry is the fifth judge in Pakistan's history to face this type of "presidential reference." In the previous four cases, two judges resigned and the other two were expelled from the high court.

AN ACTIVIST JUDGE

15. (C) Chaudhry had brought a streak of judicial activism to
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the Chief Justice position, making several decisions that observers believe irritated the government, including:

- Pressing the government to find and release 41 missing persons assumed to have "disappeared" at the hands of intelligence agencies.
- Blocking the privatization of Pakistan Steel Mills.
- Canceling the lease of an Islamabad public park to a private developer.
- Pursuing cases alleging that the government overcharged for petroleum products.

16. (SBU) Negative stories about Chaudhry and, more specifically, his son Arsalan Iftikhar Chaudhry seemed to increase in recent weeks. Local media reported January 30 that a high court lawyer had lodged a complaint against Arsalan with the National Accountability Board (NAB) for corruption and abuse of power (reftel). In mid-February, pro-government lawyer and television anchor Naeem Bokhari wrote an open letter to Chief Justice Chaudhry alleging that Arsalan used his position to secure government jobs and special treatment.

17. (C) Comment: In this land of conspiracy theories, a new one has blossomed every 30 seconds since the announcement of the Chief Justice's suspension. Speculation focuses on why Musharraf personally intervened to suspend the Chief Justice rather than seeking other routes, such as impeachment or a criminal investigation. Until more facts become available, such speculation should be taken with a healthy helping of salt. End Comment.

CROCKER